

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
PAUL D. STUDER)
)
Licensee of Amateur Service Station KK4RPI)

ORDER PROPOSING MODIFICATION

Adopted: July 25, 2017

Released: July 26, 2017

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* For the reasons set forth below, we propose to modify the operator privileges of Paul D. Studer (Studer), licensee of Amateur Radio Service Station KK4RPI. Specifically, we propose to modify Studer's operator license to show General Class operator privileges.

2. *Background.* On April 10, 2017, the Western Carolina Amateur Radio Society Volunteer-Examiner Coordinator (WCARS VEC) sent an electronic data file to the Commission requesting that Studer's operator license for amateur Station KK4RPI be modified to update his mailing and email addresses, and upgrade from General Class to Amateur Extra Class amateur radio operator privileges.¹ Based on this application, the Commission granted Studer an Amateur Extra Class amateur service operator license on April 10, 2017. This license authorizes Studer to be the control operator of an amateur station transmitting on frequency bands authorized by Section 97.301(d) of our rules.²

3. On July 21, 2017, WCARS VEC notified the Commission that it had made an error in the April 10, 2017, data file and that Studer had not qualified for an Amateur Extra Class operator license. Therefore, WCARS VEC urged us to modify Studer's license to correct the operator privileges authorized.

4. *Discussion.* We believe that WCARS VEC's request is most properly characterized as an informal request for Commission action under section 1.41 of the Commission's rules.³ Based on the information now before us, it appears that the grant of Amateur Extra Class operator privileges to Studer was erroneous because Studer did not pass the examination necessary to qualify for an Amateur Extra Class operator license. Rather, Studer appears to be currently authorized to operate with Amateur Extra Class operator privileges due to an error made during the application process.

5. We believe that section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.⁴ Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.⁵ We believe that

¹ See File No. 0007732027 (filed Apr. 10, 2017).

² See 47 CFR § 97.301(d).

³ 47 CFR § 1.41.

⁴ 47 U.S.C. § 316(a)(1).

⁵ *Id.*

a modification of the license for amateur station KK4RPI to replace Amateur Extra Class operator privileges with General Class operator privileges is appropriate.

6. In accordance with section 1.87(a) of the Commission's rules,⁶ we will not issue a modification order until Studer has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Studer must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.⁷ If no protest is filed, Studer will have waived the right to protest the modification and will be deemed to have consented to the modification.

7. *Conclusion.* For the reasons stated above, we conclude that the grant of Amateur Extra Class amateur radio operator privileges was improper. Accordingly, we propose to modify the amateur service operator license for amateur station KK4RPI by replacing Amateur Extra Class operator privileges with General Class operator privileges.

8. ACCORDINGLY, IT IS PROPOSED, pursuant to sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and section 1.87 of the Commission's rules, 47 CFR § 1.87, that the license of Paul D. Studer for amateur service Station KK4RPI BE MODIFIED by replacing Amateur Extra Class operator privileges with General Class operator privileges.

9. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to Paul D. Studer, 120 Eastside Ln., Rock Island, TN 38581-3717.

10. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁶ 47 CFR § 1.87(a).

⁷ This address should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail, and hand-delivered or messenger-delivered documents. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743.